



The Fountains Federation

# Whistleblowing Policy

---

Policy Owner: Terry Pickford

Date Reviewed: February 2017

Date of Next Review: February 2020



## Introduction

The Fountains Community Special Schools Federation is committed to operating with honesty and integrity. We expect all colleagues to operate on this basis and to adhere to the Federation's policies, procedures and code of conduct. Fraud, misconduct or wrongdoing will not be tolerated.

The aim of this policy is to encourage visitors and colleagues to report suspected wrongdoing internally rather than externally as a first resort. Any concerns raised under this policy will be treated seriously and dealt with confidentially.

Any person raising a concern under this policy will not be treated less favourably for raising concerns as outlined in this procedure. This means that any employee who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so.


The policy and procedure applies to all colleagues, including agency workers, trainees or anyone working on a casual basis regardless of length of service, but does not form part of the contract of employment and can be varied from time to time.

## What is whistleblowing?

Whistleblowing is when a person e.g. a colleague, contractor, reports suspected wrongdoing in the workplace.

For example;

- A criminal offence; and/or
- A miscarriage of justice; and/or
- Act of misconduct; and/or
- Failure to follow policy and procedure; and/or
- Damage to the environment; and/or
- Breach of a legal obligation; and/or
- A danger to health and safety; and/or
- A deliberate concealment of any of the above.



A person can report things that aren't right, are illegal or if anyone at work is neglecting their duties, including:

- Someone's health and safety is in danger,
- Damage to the environment,
- A criminal offence,
- The company isn't obeying the law (like not having the right insurance),
- Covering up wrongdoing.

A colleague who has a reasonable belief that a wrongdoing has or may be committed and raises a genuine concern relating to any of the above, is a whistleblower and is protected under this policy.


The Federation will, at its discretion, consider disclosures that are made anonymously, although such disclosures are inevitably much less powerful. The Federation will also treat every disclosure in confidence, and only reveal the identity of the person making it if absolutely necessary (e.g. if required in connection with legal action or a formal procedure).

## Rights of the Whistleblower

All visitors and colleagues are encouraged to use this policy to raise genuine concerns and will not be treated less favourably for doing so, even if they are mistaken in their belief.

A member of staff who raises a concern under this policy will not be subjected to a detriment nor will they be dismissed for doing so. Any colleague who believes that they have been subjected to a detriment for raising a complaint should raise the matter to one of the member of the Senior Leadership Team (SLT) confirmed in point five of the section entitled 'Making a Whistleblowing Complaint'.

Victimisation of a whistleblower by a colleague for raising a concern under this policy will in itself constitute a disciplinary offence.



Where the Federation believes that a colleague has knowingly made a false allegation or acted maliciously, the colleague will be subject to disciplinary action, which may include dismissal for gross misconduct.


This policy does not deal with any complaints relating to a colleague's own treatment at work or own contract of employment. Those matters should be raised under the Grievance Procedure or the Bullying and Harassment procedure, as appropriate.

An exception to this will be when the matter of concern arises from the colleagues own treatment at work that is arising from the whistleblowing matter they have raised previously.

## Making a Whistleblowing Complaint


To make a whistleblowing complaint the whistleblower has to meet certain conditions.

1. If the disclosure is made to the Federation, it must be either in the interest of pupil education and welfare and / or the public interest, and the person making the complaint ('the whistleblower') has a reasonable suspicion that the alleged malpractice has occurred, is occurring or is likely to occur.
2. If the disclosure is made to a regulatory body, as well as satisfying the conditions required for disclosure to the Federation, the whistleblower must also honestly and reasonably believe that the information they provide and any allegations contained in it are substantially true. For example, a colleague will be eligible for protection if:
  - a. they honestly think what they're reporting is true,
  - b. they think they're telling the right person,
  - c. they believe that their disclosure is in interest of pupil education and welfare and / or the public interest.
3. If the disclosure is made to other external bodies, in addition to satisfying the conditions required for a disclosure to the Federation, in all circumstances of the case it must be reasonable for them to make the complaint. Further the whistleblower must:
  - a. Reasonably believe that they would be victimised if they raised the matter internally or to a regulatory body **or**,

- 
- b. Reasonably believe that evidence is likely to be concealed or destroyed **or**,
  - c. Have already raised the concern with the Federation and/or relevant regulatory body **and**,
  - d. Reasonably believe that the information they provide and any allegations contained therein are substantially true.
4. If the disclosure is made to other external bodies and is of an 'exceptionally serious' nature – which in a school setting could include the alleged abuse of children or vulnerable adults in its care, or corruption, the whistleblower will not be required to:
- a. Have raised the matter concerned internally first,
  - b. Believe that they will be subject to a detriment for raising the disclosure internally,
  - c. Believe that the evidence is likely to be concealed or destroyed.
5. A visitor or colleague who wants to raise a wrongdoing should in the first instance inform either;
- a. Jackie Percy, Head of Fountains High Special School, **or**
  - b. Nicola Price, Head of Fountains Primary Special School

If the wrongdoing is in relation to either Head of School, Sarah Gilraine, Executive Headteacher should be informed in the first instance.

6. The initial contact can be by telephone or in writing, and if the latter should be in a sealed envelope addressed to the contact officer concerned and marked: 'Strictly Private and Confidential'. E-mail cannot be guaranteed as a secure medium and it is not recommended as a channel for reporting issues related to this policy.
7. The person who has received a disclosure will:
- a. Acknowledge its receipt, in writing, within 5 working days,
  - b. Seek further information if required, which may include a personal interview, at which the whistleblower can be accompanied by a representative of their trade union or professional association, or by a fellow employee,

- 
- c. When the precise nature of the alleged wrongdoing is established, the person to whom the disclosure has been raised will ensure the matter is appropriately managed,
    - d. Keep the individual informed regarding the progress and in all cases (subject to legal constraints) provide details of the outcome of any investigation.
  8. Although not an exclusive list, the following confirms what further action, if any, may be needed to appropriately address the disclosure;
    - Re-clarification of standards with or without training,
    - Internal investigation,
    - Report to the Police,
    - Report to external audit,
    - Independent enquiry,
    - Any combination of the above.

## Further Action

If the visitor or colleague does not reasonably believe that appropriate action has been taken in relation to their concern, then they may raise it externally to the prescribed regulator or our external auditors.

The charity, Public Concern at Work, can advise the colleague about raising the concern externally. This will include advising who the appropriate prescribed regulator is. The website for Public Concern at Work is <http://www.pcaw.co.uk/>

External Auditor - Price Waterhouse Coopers LLP

Cornwall Court, 19 Cornwall Street, Birmingham B3 2DT

0121 265 5956



## Policy Review

Policy Owner: Terry Pickford

Date Reviewed: February 2017

Date of Next Review: February 2020

